

CONGRESSIONAL RECORD SUMMARY

Thursday, September 5, 2002

SENATE

Measure Introduced:

S. 2904. A bill to *amend title I of the Employee Retirement Income Security Act of 1974* to provide emergency protection for retiree health benefits; to the Committee on Health, Education, Labor, and Pensions.

Wellstone

Page S 8300

Measures Reported:

S. 1615, to provide for the sharing of certain foreign intelligence information with local law enforcement personnel, with an amendment in the nature of a substitute.

S. 2127, for the relief of the Pottawatomie Nation in Canada for settlement of certain claims against the United States.

S. 2896, to enhance the operation of the AMBER Alert communications network in order to facilitate the recovery of abducted children, to provide for enhanced notification on highways of alerts and information on such children, with an amendment in the nature of a substitute.

Pages S 8299-S 8300, D 896

H.R. 5093. Department of the Interior Appropriations:

Senate continued consideration of H.R. 5093, making appropriations for the Department of the Interior and related agencies for the fiscal year ending September 30, 2003, taking action on the following amendments proposed thereto:

Pages S 8235-8, S 8239-45, S 8246-50, D 896-7

Adopted:

Byrd (for Leahy) Amendment No. 4495 (to Amendment No. 4472), to permit the use of a single procurement contract by the Smithsonian Institution for a multi-year repair and renovation of the Patent Office Building, subject to the availability of annual appropriations.

Pages S 8236, D 897

A motion was entered to close further debate on Daschle Modified Amendment No. 4481 (to Amendment No. 4480), in accordance with the provisions of Rule XXII of the Standing Rules of the Senate, a cloture vote will occur on Tuesday, September 10, 2002.

Pages S 8245, D 897

A unanimous-consent agreement was reached providing for further consideration of the bill on Tuesday, September 10, 2002, with 60 minutes of debate remaining on Amendment No. 4481, with a vote to occur in relation to the amendment; that if a Budget Act point of order is raised and a motion to waive the Budget Act is successful, or if a tabling motion is made and is unsuccessful, without further intervening action or debate, the Senate then vote immediately on the amendment, that upon disposition of the amendment, the motion to reconsider then be laid upon the table; that upon the entering of this agreement, the cloture motion with respect to the Daschle amendment be vitiated.

Pages S 8325, D 897

H.R. 5005. Homeland Security Act:

Senate continued consideration of H.R. 5005, to establish the Department of Homeland Security, taking action on the following amendments proposed thereto:

Pages S 8255-80, D 897

Adopted:

Reid (for Wellstone) Modified Amendment No. 4490 (to Amendment No. 4486), in the nature of a substitute.

Pages S 8255-6, D 897

Wellstone Amendment No. 4486 (to Amendment No. 4471), to prohibit the Secretary of Homeland Security from contracting with any corporate expatriate.

Pages S 8255-7, D 897

By 87 yeas to 6 nays (Vote No. 210), Reid (for Boxer/Smith (N.H.)) Further Modified Amendment No. 4492 (to Amendment No. 4491), in the nature of a substitute.

Pages S 8255, S 8264-80, D 897

Smith (N.H.) Amendment No. 4491 (to Amendment No. 4471), to amend title 49, United States Code, to improve flight and cabin security on passenger aircraft.

Pages S 8255, S 8280, D 897

Pending:

Lieberman Amendment No. 4471, in the nature of a substitute.

Pages S 8255-80, D 897

A unanimous-consent agreement was reached providing for further consideration of the bill on Monday, September 9, 2002, following the vote on the nomination of Kenneth A. Marra, to be United States District Judge for the Southern District of Florida.

Pages S 8325, D 897

Nomination--Agreement:

A unanimous-consent agreement was reached providing for the consideration of the nomination of Kenneth A. Marra, to be United States District Judge for the Southern District of Florida, on Monday, September 9, 2002, at 1 p.m., with a vote to occur thereon.

Pages S 8329, D 898

Committee Meeting:

Committee on the Judiciary: *Committee ordered favorably reported the following business items:*

S. 2127, for the relief of the Pottawatomi Nation in Canada for settlement of certain claims against the United States; **H.R. 809**, to make technical corrections to various antitrust laws and to references to such laws, with an amendment;

S. 2896, to enhance the operation of the AMBER Alert communications network in order to facilitate the recovery of abducted children, to provide for enhanced notification on highways of alerts and information on such children, with an amendment in the nature of a substitute; **S. 1615**, to provide for the sharing of certain foreign intelligence information with local law enforcement personnel, with an amendment in the nature of a substitute; *and the nominations of Reena Raggi, of New York, to be United States Circuit Judge for the Second Circuit, James Knoll Gardner, to be United States District Judge for the Eastern District of Pennsylvania, and Denny Wade King, to be United States Marshal for the Middle District of Tennessee. Also, committee failed to approve the reporting of the nomination of Priscilla Richman Owen, of Texas, to be United States Circuit Judge for the Fifth Circuit.*

Page D 899

Congressional Program Ahead. Week Of September 9 Through September 14, 2002:

Committee on Commerce, Science, and Transportation: 9/9/02 @ 2:30 p.m. Subcommittee on Surface Transportation and Merchant Marine, with the Committee on Environment and Public Works,

Subcommittee on Transportation, Infrastructure, and Nuclear Safety, to hold joint hearings to examine freight transportation issues. SR-253.

Pages D 901-2

Committee on Commerce, Science and Transportation: 10/10/02 @ 9:30 a.m. Full Committee, to hold hearings to examine the status of aviation security one year after September 11, 2001. SR-253.

Committee on Commerce, Science and Transportation: 9/12/02 @ 2:30 p.m. Subcommittee on Science, Technology, and Space, to hold hearings to examine **S. 2537** and **H.R. 3833**, bills to facilitate the creation of a new, second-level Internet domain within the United States country code domain that will be a haven for material that promotes positive experiences for children and families using the Internet, provides a safe online environment for children, and helps to prevent children from being exposed to harmful material on the Internet. SR-253.

Committee on the Judiciary: 9/10/02 @ 10:00 a.m. *To hold hearings to examine the implementation of the USA PATRIOT Act, focusing on the expansion of the Foreign Intelligence Surveillance Act (FISA), in which the standards for courts to approve surveillance of foreign intelligence gathering are far less demanding than those required for approval of a criminal wiretap.* SD-226.

Page D 902

Remarks:

Department of Homeland Security.

Carnahan

Pages S 8252-3

Judge Priscilla Owen.

"...The full body of the Senate will not have an opportunity to vote on the confirmation of Justice Priscilla Owen. The reason this is so distressing today is because it marks a new era in the judicial confirmation process. That much was made clear by the Democratic members of the committee today. It is clear now that there is a new test to be applied to the President's nominees. It is no longer enough that the nominee be well qualified and above reproach in terms of judicial ethics. It is now necessary that the candidate be committed to actively pursuing the political agenda of the majority of the members of the committee. If not, they will characterize the nominee as 'extremist,' as 'right wing,' as Justice Owen was characterized today..."

Kyl

Pages S 8253-5

The Nomination Of Priscilla Owen.

"... What happened this morning--and it was particularly tragic-- represents a culmination of a decision, apparently reached a year or so ago, when President Bush was elected, and three liberal activist professors--Laurence Tribe, Cass Sunstein, and Marcia Greenberger--met with the Democratic Conference to discuss judicial nominations. And they asserted that President Bush had won by only a small margin and, therefore, he did not have the same authority that other Presidents had to nominate judges...[] But at any rate, these professors set about to deliberately alter the confirmation ground rules. In fact, a newspaper--I believe the New York Times--reported that they had met to discuss changing the ground rules on the nominations of Federal judges. And it was a real serious thing..."

Sessions

Pages S 8280-92

Remarks (Cont'd.):

Mr. Hatch's Response to Mr. Sessions' Remark Above:

Allow me to place this vote further in context, Mr. President. In this session so far, the Senate has confirmed 73 judges. [] During the first 2 years of President Clinton's first term, when Senator Biden was

chairman of the Judiciary Committee, the Senate confirmed 127 judicial nominees. Senator Biden achieved this record despite not receiving any nominee for the first 6 months. In fact, Senator Biden's first hearing was held on July 20 of that year, more than a week later than the first hearing this session, which occurred on July 11, 2001. Clearly, getting started in July of year one is no barrier to the confirmation of 127 judges by the end of year two, but we have confirmed only 73 nominees in this session..." (Hatch, page S 8287)

HOUSE

Bills Introduced:

H.R. 5334. A bill to ensure that a public safety officer who suffers a fatal heart attack or stroke while on duty shall be presumed to have died in the line of duty for purposes of public safety officer survivor benefits; to the Committee on the Judiciary.

Etheridge

Page H 6084

H.R. 5335. *A bill to designate the Federal building and United States courthouse located at 200 West 2nd Street in Dayton, Ohio, as the "Tony Hall Federal Building and United States Courthouse;" to the Committee on Transportation and Infrastructure.*

Hobson

Page H 6084

H.R. 5337. A bill to *amend title 5, United States Code*, to allow periods of certain service performed as an employee under certain Cooperative Federal-State programs to be creditable for purposes of civil service retirement; to the Committee on Government Reform.

Morella

Page H 6084

H.R. 4727. Dam Safety and Security Act:

The House passed H.R. 4727, to reauthorize the national dam safety program by a yea-and-nay vote of 401 yeas to 2 nays, Roll No. 373.

Pages H 6065-70, D 900

Agreed to the amendment in the nature of a substitute recommended by the Committee on Transportation and Infrastructure now printed in the bill (H. Rept. 107-626).

Pages H 6070, D 900

Committee Meetings:

Committee on Energy and Commerce: Ordered reported the following measures: **H.R. 3880**, amended, to provide a temporary waiver from certain transportation conformity requirements and metropolitan transportation planning requirements under the Clean Air Act and under other laws for certain areas in New York where the planning offices and resources have been destroyed by acts of terrorism.

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Committee Meetings (Cont'd.):

Committee on the Judiciary: Ordered reported, as amended, **H.R. 1701**, Consumer Rental Purchase Agreement. *The Committee also began markup of H.R. 4689, Fairness in Sentencing Act of 2002.*

Committee on Transportation and Infrastructure: Subcommittee on Highways and Transit held a

hearing on Driver's License Security Issues.

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Congressional Program Ahead. Week Of September 9 Through September 14, 2002:

Committee on Education and the Workforce, 9/10/02 @ 10:30 a.m. Subcommittee on Employer-Employee Relations, hearing entitled "*Retirement Security for American Workers: Examining Pension Enforcement and Accountability.*" 2175 Rayburn.

Committee on Government Reform, 10/10/02 @ 2:00 p.m. Subcommittee on Government Efficiency, Financial Management and Intergovernmental Relations, hearing on **H.R. 5215, *Confidential Information Protection and Statistical Efficiency Act of 2002.*** 2247 Rayburn.

Committee on the Judiciary, 9/12/02 @ 10:00 a.m. Subcommittee on the Constitution, oversight hearing on Privacy Concerns Raised by the Collection and Use of Genetic Information by Employers and Insurers. 2237 Rayburn.

Committee on Rules, 10/12/86 @ 1:30 p.m. Hearing on proposed changes to House rules. H-313 Capitol.
Page D 902

Remarks:

September 11th Victim Compensation Fund Family Benefits Fairness Act.

"...My bill changes the statute to make clear that survivors' benefits will not be offset by the Special Master. This will help ensure that this terrible loss will not result in decreased standards of living or lost opportunities for their children..."

Israel

Page E 1502

Homeland Security Act Of 2002.

Udall

Pages E 1506-7

Next SENATE MEETING: Monday, 12:00 p.m., September 9, 2002.

Next HOUSE MEETING: Monday, 12:30 p.m., September 9, 2002.

OLA: S. Schwarz, A. Santos